

UNAPPROVED DRAFT
Completed May 20, 2004

ABSENT: None

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The meeting was called to order at 8:21 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

In the absence of Commissioner Alcorn, Commissioner Byers announced that a workshop would be held on May 6, 2004, to discuss implementation of the residential development criteria, following the scheduled public hearings.

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Commissioner Wilson announced that the Commission was invited to a public workshop to be held on Monday, May 3, 2004, at 7:00 p.m. in Conference Rooms 2/3 of the Government Center, to further discuss the proposed amendments to the County Code on cluster subdivisions. She also noted that the decision was still currently scheduled before the Commission on Thursday, May 13, 2004.

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Chairman Murphy reminded members that the scheduled Planning Commission meeting for Wednesday, May 5, 2004, had been cancelled.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING FOR S04-IV-RH1, HAYFIELD ANIMAL HOSPITAL, TO A DATE CERTAIN OF MAY 26, 2004.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote.

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Commissioner Lawrence MOVED TO DEFER THE PUBLIC HEARINGS ON SE 2003-PR-030 AND RZ 2003-PR-054, OURISMAN BETHESDA, INC., TO A DATE CERTAIN OF JUNE 16, 2004.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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FS-L04-21 – OMNIPOINT (T-MOBILE), 5801 FRANCONIA ROAD

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE DETERMINATION THAT THE TELECOMMUNICATIONS FACILITY PROPOSED BY OMNIPOINT (T-MOBILE) ON A REPLACEMENT STAND LIGHT AT EDISON HIGH SCHOOL, LOCATED AT 5801 FRANCONIA ROAD, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN", PURSUANT TO *VIRGINIA CODE* SECTION 55.2-2232, AS AMENDED.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote.

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FS-P04-18 – OMNIPOINT (T-MOBILE), 7350 RONALD STREET

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P04-18.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote.

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FS-P04-28 – OMNIPOINT (T-MOBILE), 7500 MARGARITY ROAD

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-P04-28.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Wilson not present for the vote.

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FS-H04-23 – OMNIPOINT (T-MOBILE), 1977 HUNTER MILL ROAD

Commissioner de la Fe MOVED TO ACCEPT CONSENT AGENDA ITEM FS-H04-23, OMNIPOINT, AT 1977 HUNTER MILL ROAD.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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7067-SP-16-2 - ARCHITECTURAL AND LANDSCAPE PLANS FOR METROPOLITAN RESTON TOWN CENTER

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION (RECOMMEND THAT THE DIRECTOR OF DPWES, OR HIS DESIGNEE) APPROVE LANDSCAPE PLANS FOR THE METROPOLITAN AT RESTON TOWN CENTER, PLAN NUMBER 7067-SP-16-2.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ 2003-MA-052 – THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, ALAN FISCHER
SEA 88-L-071 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON, ALAN FISCHER
2. SE 2003-LE-036 - DIANE COX BASHEER, TRUSTEE AND KENNETH O. THOMPSON, TRUSTEE

3. RZ 2003-PR-043 – VAN METRE LAND LIMITED PARTNERSHIP
FDP 2003-PR-043 – VAN METRE LAND LIMITED PARTNERSHIP
4. SE 01-V-005 – WILLIAM A. KINDER

This order was accepted without objection.

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RZ 2003-MA-052 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON AND ALAN FISCHER - Appl. to rezone from R-2 to R-3 to permit building additions to a previously approved church and private school of general education at a Floor Area Ratio (FAR) of 0.22. Located in the S.E. quadrant of the intersection of Backlick Rd. and Braddock Rd. on approx. 13.04 ac. of land. Comp. Plan Rec: 2-3 du/ac.. Tax Map 71-4 ((1)) 35, 36A and 71-4 ((2)) B, 1, 2, 2A, 3 and 3A. (Concurrent with SEA 88-L-071.) MASON DISTRICT. PUBLIC HEARING

SEA 88-L-071 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH BEING RALPH WEITZ, JOEL BENSON AND ALAN FISCHER - Appl. under Sect. 3-304 of the Zoning Ordinance to amend SE 88-L-071 previously approved for church and private school of general education to permit building additions, site modifications and modifications to development conditions. Located in the S.E. quadrant of the intersection of Backlick Rd. and Braddock Rd. on approx. 13.04 ac. of land zoned R-3. Tax Map 71-4 ((1)) 35, 36A and 71-4 ((2)) B, 1, 2, 2A, 3 and 3A. (Concurrent with RZ 2003-MA-052.) MASON DISTRICT. JOINT PUBLIC HEARING.

Benjamin Tompkins, Esquire, with Reed Smith, reaffirmed the affidavit dated April 12, 2004.

Commissioner Hart disclosed that his firm, Hart and Horan, P.C., had two cases with the law firm, Reed Smith, listed on the affidavit as an agent for the applicant, but that the matters were unrelated and would not preclude his participation in these cases.

Kristen Abrahamson, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. Tompkins reviewed the Development Conditions proposed by staff dated April 19, 2004, and said he was in agreement with all conditions except Condition 17. He stated a trail would not fit in the location as proposed because it would necessitate removal of 30 mature trees, delineation of 17 parking spaces, and removal of the church's entrance sign.

RZ 2003-MA-052 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH
BEING RALPH WEITZ, JOEL BENSON AND ALAN FISCHER
SEA 88-L-071 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH
BEING RALPH WEITZ, JOEL BENSON AND ALAN FISCHER

April 29, 2004

In response to questions from Commissioner Harsel, Mr. Tompkins and Ron Urice, a member of the church, elaborated on the need for additional classrooms as well as transportation and parking concerns.

There were no listed speakers; therefore, Chairman Murphy called for speakers from the audience but received no response. There were no further comments or questions from the Commission and staff had no closing comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2003-MA-052, SUBJECT TO THE PROFFERS DATED APRIL 20, 2004.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Hall MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 88-L-071, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 19, 2004, WITH CONDITION NUMBER 17 DELETED.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Hall also MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE EASTERN AND WESTERN PROPERTY BOUNDARIES AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE EASTERN, SOUTHERN AND WESTERN PROPERTY BOUNDARIES, IN FAVOR OF THAT DEPICTED ON THE GDP/SE PLAT AND AS CONDITIONED.

Commissioner Byers seconded the motion which carried unanimously.

Commissioner Hall further MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD MODIFY THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS ALONG A PORTION OF THE NORTHERN PROPERTY LOT BOUNDARY, AS DEPICTED ON THE GDP/SE PLAT, UNTIL SUCH TIME AS THE BRADDOCK ROAD AND BACKLICK ROAD IMPROVEMENTS ARE CONSTRUCTED.

RZ 2003-MA-052 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH
BEING RALPH WEITZ, JOEL BENSON AND ALAN FISCHER
SEA 88-L-071 - THE TRUSTEES FOR IMMANUEL BIBLE CHURCH
BEING RALPH WEITZ, JOEL BENSON AND ALAN FISCHER

April 29, 2004

Commissioner Byers seconded the motion which carried by a vote of 11-0-1 with Commissioner Hart abstaining.

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SE 2003-LE-036 - DIANE COX BASHEER, TRUSTEE AND KENNETH O. THOMPSON, TRUSTEE - Appl. under Sect. 9-615 of the Zoning Ordinance to permit a cluster subdivision, located at 6412 – 6429 Wayside Pl., 4711 – 4739, 4801-4812 and 4900 Split Rock Rd., and 6408-6414 Raven Pl. on approx. 23.75 ac. of land zoned R-3. Lee District. Tax Map 82-3 ((18)) 46, 47, 48, 53 and 54; 92-1 ((7)) 1 – 8, 27 – 45, 55 – 63; 92-1 ((8)) 1 – 18 and a portion of Split Rock Dr., Wayside Pl. and Raven Pl. public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Split Rock Dr., Wayside Pl. and Raven Pl. to proceed under Section 15.2-2272 (2) of the *Code of Virginia*). LEE DISTRICT. PUBLIC HEARING.

Martin D. Walsh, Esquire, with Walsh, Colucci, Emrich, Lubeley, and Terpak, reaffirmed the affidavit dated April 5, 2004.

Commissioner Hart disclosed that his firm, Hart and Horan, P.C., had one case with the law firm Walsh, Colucci, Emrich, Lubeley and Terpak, listed on the affidavit as an agent for the applicant, but that the matters were unrelated and would not preclude his participation in these cases.

Catherine Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application subject to the proposed Development Conditions dated April 28, 2004.

Responding to questions from Commissioners Lusk, Byers, Wilson, Lawrence, and Harsel, Ms. Lewis, Kristen Abrahamson, ZED, DPZ, and Olawale A. Ayodeji, Department of Public Works and Environmental Services, elaborated on staff's recommendation, geotechnical review, lot sizes, stormwater management ponds, the slope of the lots, and the roads.

Mr. Walsh pointed out the applicants had worked diligently with the Rose Hill Civic Association and would attempt to resolve any outstanding issues as well as provide a community compatible with Rose Hill. He elaborated on the grading of the site and stated that the applicants had also worked with the Lee District Land Use Committee to assure the safety of the proposed development.

Responding to questions from Commissioners Harsel and Hart, Mr. Walsh commented that a wetland permit would be acquired during the time the site plan would be processed. He stated that the 25 setback from the rear yards would be provided.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Carl Sell, Jr., President, Rose Hill Civic Association, elaborated on the geotechnical review and expressed support for this application.

There were no other speakers; therefore, Chairman Murphy called for speakers from the audience but received no response. There were no further comments or questions from the Commission and staff had no closing comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT PLANNING COMMISSION DEFER THE DECISION ON SE 2003-LE-036, TO A DATE CERTAIN OF MAY 13, 2004, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioners Byers, Lawrence, and Wilson seconded the motion which carried unanimously.

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RZ 2003-PR-043/FDP 2003-PR-043 - VAN METRE LAND LIMITED PARTNERSHIP - Appl to rezone from R-1 to PDH-3 to permit residential development at a density of 2.91 dwelling units per acre (du/ac) and approval of the conceptual and final development plans. Located N. of Electric Ave. approx. 700 ft. E. of its intersection with Woodford Rd. on approx. 12.35 ac. of land. Comp. Plan Rec: 2-3 du/ac. Tax Map 39-1 ((1)) 13, 14, 14A and 15A; 39-3 ((1)) 50, 51 53, 54, 55, 56, 59, 60 and 61 and portions of Suncrest La. public rights-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Suncrest La. to proceed under Section 15.2-2272 (2) of the *Code of Virginia*.) PROVIDENCE DISTRICT. PUBLIC HEARING.

Robert Lawrence, Esquire, with Reed Smith, reaffirmed the affidavit dated April 19, 2004.

Commissioner Hart disclosed that his firm, Hart and Horan, P.C., had a case with the law firm, Reed Smith, listed on the affidavit as an agent for the applicant, but that the matters were unrelated and would not preclude his participation in these cases.

Catherine Lewis, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications subject to the draft proffers dated April 28, 2004.

Mr. Lawrence stated the revised proffers and the revised plan addressed all of staff's concerns. He said the proffers were revised extensively and would ensure the stream was provided in a way that met all the requirements of the County.

In response to questions from Commissioners Hart, Alcorn, Harsel, and Wilson, Mr. Lawrence commented on the proposed lot dimensions, unit structures, and the location of the Resource Protection Area (RPA). Mr. Lawrence stated he would look into the proposed street parking spaces to ensure they met County Code provisions.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Robert Elron, 8430 Electric Avenue, Vienna, spoke in opposition to this application because of traffic issues and stated that he was not aware of any meetings with citizens that had taken place.

Joan Keuchel, 2135 Woodford Road, Vienna, spoke in opposition to this application because of stream protection, wildlife, and traffic concerns.

Susan Hageman, 2208 Frank Street, Vienna, spoke in opposition to this application because the area would be overdeveloped, and the houses would be too big. She also opposed the proposed hours of construction.

Renata Wade, 2231 Richelieu Drive, Vienna, representative for Tyson Woods Civic Association, stated concerns regarding the number of units, the impact to the existing stream, the RPA, dwelling density, and the impact of the traffic from the proposed development.

Bill Hardin, 2136 Woodford Road, Vienna, expressed opposition to this application because of traffic concerns.

Vijay Kanodia, 2147 Woodford Road, Vienna, expressed opposition to this application because of traffic and wetland concerns.

Responding to a question from Commissioner Alcorn, Mr. Lawrence and Michael Rolband, of Wetland Studies and Solutions, Inc., explained the proposed house and streambed locations in regard to Mr. Kanodia's property.

Emory Pate, 2146 Frank Street, Vienna, expressed opposition to this application because the proposed houses next to his property would be too tall.

Delores Washington, 2136 Frank Street, Vienna, expressed opposition to this application because of the height of the proposed houses and overdevelopment in the area.

There were no further speakers; therefore, Chairman Murphy called upon Mr. Lawrence for a rebuttal statement.

Mr. Lawrence addressed the density concern by stating that the application was in conformance with the Comprehensive Plan. He elaborated on the proposed road improvements and then commented that the citizens had been made aware of several meetings that had taken place. Mr. Lawrence stated that the number of proposed lots adjacent to Ms. Washington's property would be reduced and that Mr. Pate's home was a significant distance from the proposed homes. He said that landscaping and tree save areas would be provided as a buffer and would also be provided near the stormwater management pond.

Responding to a question from Ms. Harsel, Ms. Lewis said all items of concern identified in the staff report had been resolved and that a staff report addendum would be prepared prior to the decision date.

In response to questions from Commissioners Alcorn, Lawrence, Wilson, and Harsel, Mr. Lawrence said that the construction work hours would be changed. He also commented on issues regarding the length of the driveways and sidewalks.

There were no further comments or questions from the Commission and staff had no closing comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ON RZ 2003-PR-043 AND FDP 2003-PR-043, UNTIL A DATE CERTAIN OF MAY 20, 2004, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Byers seconded the motion which carried unanimously.

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SE 2001-MV-005 - WILLIAM A. KINDER - Appl. under Sect. 2-904 of the Zoning Ordinance to permit uses in the floodplain. Located at 7905, 7907 and 7909 Candlewood Dr. on approx. 37,500 sq. ft. of land zoned R-3. Tax Map 102-1 ((21)) 1 – 3. MOUNT VERNON DISTRICT.
PUBLIC HEARING.

Martin D. Walsh, Esquire, with Walsh, Colucci, Emrich, Lubeley, and Terpak, reaffirmed the affidavit dated February 2, 2004 and reaffirmed on April 5, 2004.

Commissioner Hart disclosed that his, firm Hart and Horan, P.C. had one case with the law firm Walsh, Colucci, Emrich, Lubeley and Terpak, listed on the affidavit as an agent for the applicant, but that the matters were unrelated and it would not preclude his participation in these cases.

Leslie Johnson, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), introduced Marianne Welton, Environmental Review DPZ and Jerry Stonefield, Department of Public Works and Environmental Services. Ms. Johnson presented the staff report, a copy of which is in the date file. She noted that staff recommended denial as detailed on page 15 of the staff report.

In response to questions from Commissioners Byers, Hart and Wilson, Ms. Johnson elaborated on floodplain issues. She explained the sidewalk requirements as outlined in the Public Facilities Manual.

Mr. Walsh, Esquire, explained that his client had not been aware that permits were required and Mr. Kinder was concerned about potential erosion damage to his property.

Responding to a question from Commissioner Byers, William Kinder, described the materials he used to construct the footbridge.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Ed Takken, 7905 Bayberry Drive, Alexandria, spoke in favor of this application because the foot bridge constructed by the applicant also protected his property from erosion and silt.

Carol Westerman, 7922 Karol Road, Alexandria, spoke in favor of this application because stream flow in the area was better as a result of Mr. Kinder's improvements.

Suzanne Cleary, 8017 Candlewood Drive, Alexandria, speaking on behalf of Jane Smith, Al Howerton and Joan Howerton, spoke in opposition of this application because of the negative impact to property values.

Elizabeth Medrano, 8001 Candlewood Drive, Alexandria, expressed opposition to this application because of the erosion on the foot bridge.

In response to a question from Commissioner Hart, Ms. Johnson stated as part of the conditions that the County would negotiate hold harmless agreement and the applicant would be responsible for the maintenance of the walls.

Responding to a question from Commissioner Alcorn, Mr. Stonefield explained the level of erosion of the stream.

Deborah Matthews, 7904 Candlewood Drive, Alexandria, expressed opposition to this application because the applicant had not ceased work even after receiving violation notices.

Responding to a question from Commissioner Koch, Ms. Johnson said she would look into penalties for encroachment on County land.

Scott Surovell, 7739 Pauxemont Road, Alexandria, expressed opposition to this application because of the impact this application would have on the watershed.

James Davis, address unknown, Chairman for the Mount Vernon Council of Citizens Association, spoke in support of this application. He stated that the Council had passed a resolution endorsing this application because it would protect floodplains, environmental quality corridors, and Resource Protection Areas.

Brian Walsh, 7903 Candlewood Drive, Alexandria, expressed concern about the effects to his property if the retaining wall was torn down.

Sonya Kinder, 7907 Candlewood Drive, Alexandria, spoke in support of this application. She stated that the foot bridge was not on County property.

Responding to a question from Commissioner Hart, Ms. Johnson stated that the wall in question was on property owned by the Board of Supervisors.

Commissioner Byers entered into the record an email he received from Mark Coggins, 7914 Candlewood Drive, expressing support for this application because of the need to prevent erosion and avoid the possibility of homes being damaged.

Mr. Walsh remarked that the applicant was committed to work with the County and hoped there would be an agreement that would satisfy all involved parties.

There were no other listed speakers; therefore, Chairman Murphy called for speakers from the audience but received no response. There were no further comments or questions from the Commission and staff had no closing comments; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THE PLANNING COMMISSION DEFER THE DECISION ON SE 01-V-005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS, TO A DATE CERTAIN OF MAY 27, 2004.

Commissioner Hall seconded the motion which carried unanimously.

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CLOSING

April 29, 2004

The meeting was adjourned at 12:31 a.m.

Peter Murphy, Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Heidi Baggett

Approved on:

Vacant, Clerk to the
Fairfax County Planning Commission